

Bill No. SB 1246

Barcode 914280

Proposed Committee Substitute by the Committee on Children and Families

1 A bill to be entitled
2 An act relating to older adults involved in the
3 criminal justice system; creating a workgroup
4 to study the involvement of older adults in the
5 criminal justice system; requiring the
6 workgroup to identify the incidence of older
7 adults experiencing a deteriorating mental
8 condition who come into contact with the
9 criminal justice system; requiring that the
10 workgroup identify the services being provided
11 or which are needed by older adults; providing
12 for the membership of the workgroup; providing
13 for the members of the workgroup to receive
14 reimbursement for travel and per diem expenses;
15 requiring that the Secretary of Elderly
16 Affairs, or his or her designee, act as
17 chairperson of the workgroup and provide for
18 staff support; requiring that the Department of
19 Elderly Affairs report to the Legislature by a
20 specified date; providing an appropriation;
21 providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Workgroup to study issues concerning older
26 adults involved in the criminal justice system.--

27 (1) The Department of Elderly Affairs shall establish
28 a workgroup that shall study the involvement of adults who are
29 age 60 and older in the criminal justice system, with a
30 particular emphasis on adults who are age 70 and older. The
31 study must:

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1 (a) Determine the extent to which older adults who are
2 alleged to have committed crimes result in arrest and the
3 effect of arrest on older adults and on law enforcement
4 agencies and the criminal justice system;

5 (b) Examine the incidence of and issues surrounding
6 older adults who have dementia or other mental health or
7 physical health conditions and determine how these conditions
8 affect their involvement with the criminal justice system;

9 (c) Determine the extent to which current programs,
10 including, but not limited to, the community and forensic
11 mental health, substance abuse, and domestic violence
12 programs, and the specialty courts are addressing the issues
13 experienced by older adults who are involved in the criminal
14 justice system;

15 (d) Determine the unmet health, mental health, and
16 other social service needs of individuals who are arrested
17 which, if met, would result in the reduced arrest or
18 incarceration of these individuals, as well as in reduced
19 recidivism;

20 (e) Determine the state's current capacity to provide
21 for the early identification of older adults who are arrested
22 and who have significant medical problems or mental health
23 conditions and the state's current ability to respond in a
24 meaningful and timely manner to these issues;

25 (f) Gather information on private and public model
26 programs within Florida and in other states which offer
27 elements that should be expanded in this state or applied
28 statewide;

29 (g) Explore the concept of an elder court system and
30 determine the feasibility and advisability of establishing
31 this type of specialty court;

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1 (h) Evaluate the preservice and inservice training
2 provided to staff of state and local agencies most likely to
3 come in contact with older adults involved in the criminal
4 justice system to assess the degree to which the training
5 prepares the staff to deal effectively and sensitively with
6 this older population;

7 (i) Identify the services and best practices that, if
8 implemented, would ensure the early identification,
9 assessment, treatment, and diversion of older adults who are
10 arrested and ensure a more effective use of available
11 resources; and

12 (j) Specify, to the extent possible, the costs
13 associated with the services and best practices that are
14 identified by the workgroup and identify possible public and
15 private sources of revenue to address these costs.

16 (2)(a) The workgroup shall consist of 13 members:

17 1. The Secretary of Elderly Affairs, or his or her
18 designee;

19 2. The Secretary of Children and Family Services, or
20 his or her designee;

21 3. The executive director of the Department of Law
22 Enforcement, or his or her designee;

23 4. A representative from the Florida Sheriffs
24 Association;

25 5. A representative from the Florida Police Chiefs
26 Association;

27 6. A representative from the Office of the State
28 Courts Administrator;

29 7. A physician having experience with geriatric
30 populations, appointed by the Secretary of Elderly Affairs;

31 8. An expert on the mental health of older adults,

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appointed by the Secretary of Children and Family Services;

9. An expert on aging and legal issues, appointed by
The Florida Bar;

10. A circuit judge who has experience in elder
issues, appointed by the Chief Justice of the Supreme Court;

11. A representative from one of the state university
centers on aging, appointed by the Secretary of Elderly
Affairs; and

12. Two additional members chosen by the workgroup.

(b) Each member of the workgroup is entitled to
receive reimbursement for travel and per diem expenses as
provided in section 112.061, Florida Statutes.

(c) The Secretary of Elderly Affairs, or his or her
designee, shall serve as the chairperson of the workgroup and
provide for staff support of the workgroup.

(3) The Department of Elderly Affairs shall prepare
and submit a report to the President of the Senate, the
Speaker of the House of Representatives, and the chairpersons
of the appropriate substantive committees of the Legislature
by January 31, 2006. The report must address the findings of
the workgroup as specified in subsection (1) and recommend
proposed legislation if any is warranted.

Section 2. The sum of \$20,000 is appropriated from the
General Revenue Fund to the Department of Elderly Affairs for
the purpose of paying the costs associated with carrying out
the provisions of this act during the 2005-2006 fiscal year.

Section 3. This act shall take effect July 1, 2005.